

Tuesday, March 20, 2012

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM

**PRESENT:** Supervisors: Frank Mecham, Bruce S. Gibson, Adam Hill, Paul A. Teixeira and Chairperson James R. Patterson

**ABSENT:** None

**THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON JAMES R. PATTERSON.**

**1-12.** This is the time set for consideration of the Consent Agenda:

**Chairperson Patterson:** opens the floor to public comment.

The action taken for Consent Agenda Items 1 through 12 on the following vote is indicated for each item.

**Motion by:** Frank R. Mecham

**Second by:** Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Items Set for Hearing:**

1. Introduction of ordinance amendments to Title 21 (Real Property Division Ordinance) to allow the Planning Director to elevate certain Subdivision Review Board items to the Planning Commission at his/her discretion and set for hearing on April 3, 2012.

**Mr. Eric Greening:** speaks.

**This item is amended by replacing Exhibit B to include the signature of County Counsel. Further, the Board approves the item as recommended by the County Administrative Officer as as amended by this Board.**

**Consent Agenda - General Services Agency Items:**

2. Request to approve a resolution authorizing: (1) submittal of a grant application under the Housing Related Parks Program for expansion and/or revitalization of the San Miguel Community Park; and, (2) the General Service Agency Director or designee to submit and sign grant documents.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-54, adopted.**

**Consent Agenda - Health Agency Items:**

3. Request to approve an agreement in the amount of \$10,000 with the California Friday Night Live Partnership to fund the Spring 2012 San Luis Obispo County Friday Night Live “Driving the Change” project.

**The Board approves as recommended by the County Administrative Officer.**

4. Request to approve a two-year contract with the United Way of San Luis Obispo County beginning March 2012 and ending March 2014 to provide the Nonviolent Communication™ (NVC) Education Trial, fulfilling County Innovation Work Plan #4, to provide prevention and early intervention

services to reduce mental illness and emotional challenges among transitional aged youth, their families and care-givers, throughout the county.

**Mr. Eric Greening and Dr. C. Hite:** speak.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Planning & Building Items:**

5. Request to authorize the use of alternative publication procedures for amendments to Title 21, the Real Property Division Ordinance, (LRP2010-00008); and the Shandon Community Plan Update (LRP2003-00004).

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Public Works Items:**

6. Submittal of a resolution establishing the 2012-13 Special Tax Rate and confirming the per parcel special tax amount in County Service Area No. 21, Burton Drive Road Improvement Zone.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-55, adopted.**

7. Submittal of a resolution establishing the 2012-13 Special Tax Rate and confirming the per parcel special tax amount in County Service Area No. 21, Camborne Place Road Improvement Zone.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-56, adopted.**

8. Submittal of a resolution establishing the 2012-13 Special Tax Rate and confirming the per parcel special tax amount in County Service Area No. 21, Orville Avenue Improvement Zone.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-57, adopted.**

9. Submittal of a resolution establishing the 2012-13 Special Tax Rate and confirming the per parcel special tax amount in County Service Area No. 21, Madison Street Road Improvement Zone.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-58, adopted.**

10. Submittal of a resolution establishing the 2012-13 Special Tax Rate and confirming the per parcel special tax amount in County Service Area No. 21, Castle Street Road Improvement Zone.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-59, adopted.**

**Consent Agenda Public Works - Board Sitting as Flood Control District:**

11. Request to approve a new agreement with H.T. Harvey and Associates and Amendment No. 4 to the agreement with Hanson Environmental for the Arroyo Grande Creek Habitat Conservation Plan and revised water rights permit.

**Mr. Eric Greening:** speaks.

**This item is amended by replacing Pages 1 through 7 of Amendment No. 4 as Exhibit “A”. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.**

- 12.** Request by Ian Parkinson, Sheriff-Coroner, as a representative to the Cal ID System Advisory Board, to appoint Steven Gesell, San Luis Obispo Chief of Police, to the California ID System Advisory Board.

**The Board approves as recommended by the County Administrative Officer.**

**Public Comment Period:**

- 13.** This is the time set for members of the public wishing to address the Board on matters other than scheduled items.

**Supervisor Hill:** presents a Certificate of Recognition on the 50<sup>th</sup> Anniversary of the Seacrest Hotel to Mr. Jamie Wallace and Ms. Myraline Morris Whitaker.

**Ms. Gwynn Taylor, Mr. Ben DiFatta, and Ms. Linde Owen:** comment on the Los Osos Wastewater Project (LOWWP).

**Dr. C. Hite:** addresses her concerns that the Board is violating the Brown Act when curtailing speaker comments.

**Mr. Eric Greening:** urges the Board to agendize planning for a long duration catastrophe.

**Mr. Richard Margetson:** comments on the contract between the County and San Luis Obispo Unified School District, set for approval this evening by the District, for recycled water from the LOWWP. **No action taken.**

**Hearings:**

- 14.** Request to select activities for funding under the 2012 Community Development Block Grant (CDBG), Home Investment Partnership Act (HOME), and the Emergency Solutions Grant (ESG) Programs and adopt the resolution approving the Urban County of San Luis Obispo Program Year 2012 Action Plan of the San Luis Obispo Consolidated Plan.

**(SUPERVISOR ADAM HILL STEPS DOWN DUE TO A CONFLICT OF INTEREST AND IS NOW ABSENT.)**

**Mr. Tony Navarro – Planning:** presents a revised Exhibit B.

**Chairperson Patterson:** opens the floor to public comment.

**Mr. Larry Feldt – Community Action Partnership Homeless Services Supervisor, Ms. Dee Torres, Ms. Susan Warren – North County Connection, Ms. Dianne Reece – Mission Community Services, Mr. Ken Trigueiro – Paso Robles Housing Authority, and Mr. Hank Hohenstein:** speak.

**The Board approves the activities and CDBG, HOME and ESG funding levels as shown in Revised Exhibit B and RESOLUTION NO. 2012-60, Resolution approving and authorizing submittal of the Urban County of San Luis Obispo 2010 Consolidated Plan for the Community Development Block Grant (CDBG), Home Investment Partnership Act (HOME), and Emergency Solutions Grant (ESG) Programs, adopted.**

**Motion by:** Bruce S. Gibson

**Second by:** Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			

**(SUPERVISOR ADAM HILL IS NOW PRESENT.)**

**Board Business:**

15. Submittal of resolutions calling for Property Assessment Proceedings per Proposition 218 and the Municipal Improvement Act of 1913 for County Service Area No. 23 (CSA 23 - Santa Margarita) in order to fund a state water connection to the State Water Project for drought reliability.

**(SUPERVISOR FRANK MECHAM STEPS DOWN DUE TO A CONFLICT OF INTEREST AND IS NOW ABSENT.)**

**Chairperson Patterson:** opens the floor to public comment.

**Mr. Eric Greening and Mr. Alan Volbrecht:** speak.

**RESOLUTION NO. 2012-61, Resolution approving Boundary Map; RESOLUTION NO. 2012-62, Resolution of Intention; RESOLUTION NO. 2012-63, Resolution declaring the official intent of the County of San Luis Obispo to reimburse certain expenditures from proceeds of indebtedness; and RESOLUTION NO. 2012-64, resolution preliminarily approving Engineer’s Report, setting date for Public Hearing of Protests, adopted. Further, the Board sets the time and date for the Proposition 218 public hearing for May 22, 2012; accepts the ballot package, which includes the Notice of Hearing and Assessment Ballots, which will be mailed to each registered owner as listed on the last equalized secured property tax assessment roll; and directs the Clerk of the Board to mail and collect the ballot package, tabulate the ballots after the close of the public hearing and report the results at the regularly scheduled meeting of June 5, 2012.**

**Motion by:** James R. Patterson  
**Second by:** Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**(SUPERVISOR FRANK MECHAM IS NOW PRESENT.)**

**Closed Session Items:**

16. The Board announces they will be going into Closed Session regarding:
- I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items:
- A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. Nipomo CSD v. County of San Luis Obispo; 2. Application of Pacific Gas and Electric Company for Approval of Ratepayer Funding to Perform Additional Seismic Studies Recommended by the California Energy Commission, California Public Utilities Application # 10-01-014; 3. Southern California Pipeline Construction, Inc. v. San Luis Obispo County Flood Control and Water Conservation District.
- B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 4. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 5. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.
- II. CONFERENCE WITH LABOR NEGOTIATOR (Government Code, section 54957.6.)
- A. It is the intention of the Board to meet in closed session to have a conference with its Management Representative Tami Douglas-Schatz concerning the following: Name of employee organizations are: 6. District Attorney Investigator’s Association; 7. Association of San Luis Obispo County Deputy Sheriffs; 8. Deputy County Counsel Association; 9. San Luis Obispo Government Attorney’s Union.

**Chairperson Patterson:** opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items

discussed during Closed Session as follows: No report required as no final action was taken and the Board goes into Open Public Session.

**Presentations:**

17.
- Submittal of a resolution proclaiming March, 2012, as "Professional Social Work Month" in San Luis Obispo County.

**RESOLUTION NO. 2012-65, resolution proclaiming March, 2012 as “Professional Social Work Month” in San Luis Obispo County, adopted.**

**Motion by:** Bruce S. Gibson  
**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Board Business Continued:**

18.
- Project update, request for Board direction related to design-build contracting, approval of a sole source contract for Professional Engineering Services with Carollo Engineers in the amount of \$942,669, and approval of a sole source contract for Environmental Services with Far Western Anthropological Research Group in the amount of \$898,106, as previously authorized, for the Los Osos Wastewater Project, Los Osos, CA.

**(This item is amended to replace pages 1 through 30 of the agreement with Far Western Anthropological Research Group with pages 1 through 31; Exhibits A and B were not correctly identified and Exhibit C was inadvertently omitted.)**

**Chairperson Patterson:** opens the floor to public comment.

**Ms. Elaine Watson (CD), Mr. Eric Greening, Dr. C Hite (Video), Mr. Don Beardon, Ms. Julie Tacker, Mr. Bo Cooper, Mr. Barry Branin, Mr. Jeff Edwards, Mr. Richard Margetson, Ms. Linde Owen, Mr. Ben DiFatta, and Ms. Gewynn Taylor:** speak.

**The Board:** accepts the project update from staff; directs staff to cancel the existing design-build contracting process for the treatment facility, which was initiated with a Request for Qualifications on December 17, 2008; waives the Board adopted Contract for Services policy requiring requests for proposals for services over \$25,000; approves the attached sole source Agreement for Professional Engineering Services with Carollo Engineers, Inc. in the amount of \$942,669 (\$856,972 fee estimate for base scope of work and \$85,697 contingency fund) and directs the Chairperson to sign same; approves as amended the attached sole source Agreement for Professional Environmental Consulting Services with Far Western Anthropological Research Group in the amount of \$898,106 (\$844,851 fee estimate for base scope of work and \$53,255 contingency fund); and directs the Chairperson to sign same; and authorizes the Public Works Director to approve Amendments to the Agreement **s** in an amount not to exceed the approved contingency funds.

**Motion by:** Bruce S. Gibson  
**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, March 20, 2012, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

**JULIE L RODEWALD**, County Clerk-Recorder And Ex-Officio Clerk of the Board of Supervisors

By: /s/ Catrina M. Christensen, Deputy Clerk-Recorder

DATED: April 5, 2012